

ARTZ & ARTZ P.C.
Law Offices

RECEIVED
CENTRAL FAX CENTER

FEB 28 2006

Intellectual Property and Technology Related Causes

FACSIMILE TRANSMITTAL SHEET

Fax: (248) 223-9522
Phone: (248) 223-9500

TO: Mail Stop Appeal Brief-
Patents
Examiner Dalena Tran
FIRM: USPTO
FAX NO.: (571) 273-8300

=====

From: Kevin G. Mierzwa
Date: February 28, 2006
Our File No.: 201-0633 (FGT 1534 PA)
Your Ref. No. 09/683,779
Comments: Attached is response to Revised Examiner's Answer
dated 1/9/06.

Total Pages (incl. Cover sheet): 5

The information contained in this facsimile message may be confidential and/or legally privileged information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any copying, dissemination or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and we will arrange for the return of the facsimile. Thank you.

If there are any problems during transmission, please call:
(248) 223-9500.

Donna Kraft
(Operator)

28333 TELEGRAPH ROAD, SUITE 250, SOUTHFIELD, MICHIGAN 48034
TELEPHONE: (248) 223-9500 -- FACSIMILE: (248) 223-9522

RECEIVED
CENTRAL FAX CENTER

FEB 28 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of

Manoharprasad K. Rao

Group Art Unit: 3661

Serial No.: 09/683,779

Examiner: Tran, Dalena

Filed: 02/13/02

For: METHOD FOR OPERATING A PRE-CRASH SENSING SYSTEM
IN A VEHICLE HAVING A COUNTERMEASURE SYSTEM USING
A RADAR AND CAMERA

Attorney Docket No.: 201-0633 (FGT 1534 PA)

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to
(703) 872-9306 (Centralized Facsimile Number).

Signature

Kevin G. Mierzwa

Date:

2/28/06

REVISED REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Revised Examiner's Answer mailed January 9, 2006, please
enter the following remarks.

REMARKS

Appellant will address several of the remarks by the Examiner in the response to argument section beginning on page 3 of the Revised Examiner's Answer.

On page 3, the Examiner states that *Lemelson* does not explicitly disclose a decision zone. Appellant agrees with this proposition. However, Appellant does not agree that a decision zone is implied. The Examiner cites Col. 2, lines 55-58, for teaching as a closing distance becomes hazardous a vehicle subsystem may be selected by the computer. However, no present decision zone has been set forth by the *Lemelson* reference. Just because a closing distance is set forth does not imply a decision zone. The decision zone sets forth some boundaries relative to the vehicle. Both the radar or lidar unit generates an object distance and object relative velocity signal from an object within the decision zone. A vision system generates an object size signal and confirms the presence of the object within the decision zone. Thus, the determination of the object within the decision zone and confirmation within the decision zone is performed. The Examiner agrees on the middle of page 4 that *Lemelson* does not explicitly disclose confirming the presence of the object. The Examiner states that scanning, detecting and identifying implies confirming the presence of the object ahead of the vehicle. Appellant disagrees. Appellant respectfully submits the Examiner is reading more into the *Lemelson* reference than is set forth. The Examiner points to Col. 4, lines 31-35. This passage, however, relates to a television camera and auxiliary scanning means to identify obstacles in the path of the vehicle. No confirming step is performed. Appellant therefore respectfully request the Board to reverse the Examiner's position with respect to these arguments and the arguments made in the Substitute Appeal Brief.

Claims 2 and 3 both recite that the object size comprises height. Claim 3 recites height and area. Appellant agrees that *Lemelson* discloses determining the size of the identified object. No specifics are provided though for what is meant by the size. Height is never mentioned in the *Lemelson* reference.

Claim 5 specifically recites that the decision zone has a size dependent on the relative velocity signal. As mentioned above with respect to Claim 1, Appellant believes that no teaching or suggestion is provided for a decision zone, let alone the proposition of varying the size dependent on the relative velocity signal. It should be kept in mind at this point that the decision zone is used for generating an object distance signal and an object relative velocity signal but then for use in the confirming process by the vision system. Just because *Lemelson* activates a vehicle subsystem when the closing distance is hazardous does not imply a decision zone as recited by the Examiner. Claim 5 is specific to varying the size of the decision zone. Even if the *Lemelson* reference did imply a decision zone, the mere fact that the closing distance dictates when the subsystem is being activated does not imply that the size of the decision zone is varied based on the relative velocity signal. The Examiner points to Col. 9, lines 29-31, for different levels of velocity. Appellant admits that different relative velocity grade inputs are illustrated. However, this is in reference to how the control signals are derived using the fuzzy associative memory in Fig. 6. Thus, this varying of velocities does not teach varying the velocity of a decision zone.

With respect to Claim 9, Claim 9 specifically modifies Claim 6 and recites that the controller classifies the object and determines an object orientation in response to the object distance, object size, and object height. As mentioned above, Appellant respectfully submits that no object height is taught or suggested in the *Lemelson* reference. The Examiner agrees that the *Lemelson* reference does not explicitly disclose object orientation. Appellant admits that a distance calculation is performed in Col. 7, lines 31-32. Also, the relative velocity and accelerations are calculated with respect to the images as set forth in Col. 7, lines 39-47. However, no specific teaching or suggestion is set forth for determining an object orientation. Just because the above-mentioned characteristics are determined does not mean that object orientation is determined.

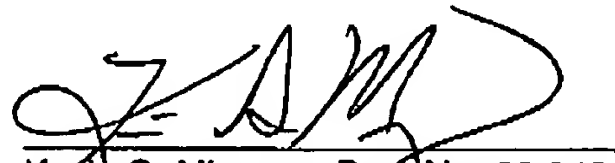
With respect to Claim 11, determining an object type and activating in response to the object height is set forth. Appellant can find no teaching or suggestion as mentioned above for determining the object height.

With respect to Claim 12, the object cross-sectional area is set forth. Appellant respectfully believes that no teaching or suggestion is found for specifically determining the cross-sectional area of the object. Only a mention of determining object size is set forth. Appellant therefore respectfully request the Examiner to reconsider these rejections as well.

In light of the above remarks, Appellant submits that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit Account 06-1510.

Respectfully submitted,


Kevin G. Mierzwa, Reg. No. 38,049
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Date: 2/28/06